

Town Board Minutes

August 4, 2008

Meeting No. 25

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 4th day of August 2008 at 8:00 P.M. and there were

PRESENT: JOHN ABRAHAM , COUNCIL MEMBER
DANIEL AMATURA, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
JOHN DUDZIAK, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
GARY STOLDT, CHIEF OF POLICE
TERRENCE McCracken, GENERAL CREW CHIEF
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

PERSONS ADDRESSING TOWN BOARD:

Beutler, Daniel, spoke to the Town Board on the following matters:

- Town owned building on Walden Avenue
- Town owned building on Columbia Avenue

Chowanec, Lee, spoke to the Town Board on the following matters:

- questions expenditures of the Town Board
- Town Board minutes not at Library on Friday 8/1/08

Oddo, Joseph, spoke to the Town Board on the following matter:

- construction noise and debris from wood chipper in Windsor Ridge Subdivision

Klembczyk, Alan, spoke to the Town Board on the following matters:

- blocking of fire hydrants by developer with sewer pipes in Windsor Ridge Subdivision
- clearing of land in Windsor Ridge Subdivision

Fronczak, Mike, spoke to the Town Board on the following matters:

- signage on residential property at homes issued Special Use Permits
- barrier on Town Line Road
- Tim Hortons on Transit Road - ingress/egress

Mielko, John, spoke to the Town Board on the following matter:

- possible purchase of Town owned real estate

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Regular Meeting of the Town Board held
July 21, 2008 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call, which resulted as follows:

| | |
|-------------------------|-----------|
| COUNCIL MEMBER ABRAHAM | VOTED YES |
| COUNCIL MEMBER AMATURA | VOTED YES |
| COUNCIL MEMBER RUFFINO | VOTED YES |
| COUNCIL MEMBER STEMPIAK | VOTED YES |
| SUPERVISOR GIZA | VOTED YES |

August 4, 2008

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED IT'S ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, §1660 (18) Vehicle and Traffic Law of the State of New York
authorizes the Town to restrict and prohibit the parking of vehicles on all roads within the Town
except State highways, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the
public interest to make certain amendments to the Town Ordinance entitled, “VEHICLE AND
TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF
NEW YORK, DESIGNATED AS CHAPTER 46 OF THE CODE OF THE TOWN OF
LANCASTER”,

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 130 of the Town Law of the State of
New York, a public hearing on proposed amendments to the Vehicle & Traffic Ordinance,
Chapter 46 of the Code of the Town of Lancaster, County of Erie and State of New York, will
be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 18th day of August,
2008, at 8:30 o'clock P.M., Local Time, and that Notice of the Time and Place of such hearing
be published on or before August 7, 2008, in the Lancaster Bee, the Official Newspaper, being a
newspaper of general circulation in said Town, and be posted on the Town Bulletin Board,
which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a
vote on roll call which resulted as follows:

| | |
|-------------------------|-----------|
| COUNCIL MEMBER ABRAHAM | VOTED YES |
| COUNCIL MEMBER AMATURA | VOTED YES |
| COUNCIL MEMBER RUFFINO | VOTED YES |
| COUNCIL MEMBER STEMPIAK | VOTED YES |
| SUPERVISOR GIZA | VOTED YES |

August 4, 2008

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 4th day of August, 2008, the said Town Board will hold a Public Hearing on the 18th day of August, 2008, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all persons upon the following amendments to the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town:

CHAPTER 46

ARTICLE X

ARTICLE X - Parking, Standing and Stopping.

46-14. Parking time limited in designated locations.

- C. The parking of a vehicle is hereby prohibited in the following locations for a period of longer than two hours between the hours of 9:00 a.m. and 3:00 p.m. daily, Monday through Friday, from September 1 through June 30:

.....

(1) Shadyside Lane.

(2) Pine View Lane

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN
Town Clerk**

August 4, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER AMATURA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning - Section 17 (F) of the Code of the Town of Lancaster, upon the application of **Joanne Rocco**, for a Special Use Permit for a Home Occupation (Antiques, Home decor and Handcrafted items Retail Store) on premises located at 5300 Williams Street, Lancaster, New York, and

WHEREAS, persons for and against such Special Use Permit have had an opportunity to be heard;

**NOW, THEREFORE, BE IT
RESOLVED as follows:**

1. That pursuant to Chapter 50-Zoning, Section 17 (F), entitled “Home Occupations” of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **Joanne Rocco**, for a Home Occupation (Antiques, Home decor and Handcrafted items Retail Store) on premises located at 5300 William Street, Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance, and
2. That the applicant will continue in compliance with conditions as set forth in Chapter 50, Section F, of the Code of the Town of Lancaster as long as the applicant continues to engage in the home occupation on the premises, namely:
 - a. Permit must be renewed every two (2) years at no additional cost to applicant.
 - b. This Special Use Permit terminates when the applicant no longer resides on the premises.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

| | |
|--------------------------|-----------|
| COUNCIL MEMBER ABRAHAM | VOTED YES |
| COUNCIL MEMBER AMATURA | VOTED YES |
| COUNCIL MEMBER RUFFINO | VOTED YES |
| COUNCIL MEMBER STEMPNIAK | VOTED YES |
| SUPERVISOR GIZA | VOTED YES |

August 4, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED IT’S ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to make certain amendments to the Town Ordinance entitled “VEHICLES AND TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK, DESIGNATED AS CHAPTER 46 OF THE CODE OF THE TOWN OF LANCASTER”,

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 130 of the Town Law of the State of New York, a public hearing on proposed amendments to the Vehicle & Traffic Ordinance, Chapter 46 of the Code of the Town of Lancaster, County of Erie and State of New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 18th day of August 2008, at 8:35 o’clock P.M., Local Time, and that Notice of the Time and Place of such hearing be published on or before August 7, 2008 in the Lancaster Bee, the Official Newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

| | |
|-------------------------|-----------|
| COUNCIL MEMBER ABRAHAM | VOTED YES |
| COUNCIL MEMBER AMATURA | VOTED YES |
| COUNCIL MEMBER RUFFINO | VOTED YES |
| COUNCIL MEMBER STEMPIAK | VOTED YES |
| SUPERVISOR GIZA | VOTED YES |

August 4, 2008

**LEGAL NOTICE
PUBLIC HEARING
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK
DESIGNATED AS CHAPTER 46 OF CODE OF TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 4th day of August, 2008, the said Town Board will hold a Public Hearing on the 18th day of August, 2008, at 8:35 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all persons upon the following amendment to the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town:

CHAPTER 46

ARTICLE IX - Speed Regulations

§46-9. Maximum speed limits.

C. A speed limit of 45 miles per hour shall be posted on the following designated highways:

.....

(17) Town Line Road, west side from the intersection of Erie Street southerly to the north line of the Town of Elma.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN
Town Clerk**

August 4, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Chief of Police of the Town of Lancaster, by letter dated July 25, 2008, has requested authorization to send School Resource Officer Keith Kerl and School Resource Officer James Formato to the 33rd Annual Training Conference of the State of New York Juvenile Officers Association to be held in Ithaca, New York from August 25, 2008 through August 29, 2008.

NOW, THEREFORE, BE IT

RESOLVED, that School Resource Officer Keith Kerl and School Resource Officer James Formato of the Lancaster Police Department be and are hereby authorized to attend the 33rd Annual Training Conference of the State of New York Juvenile Officers Association in Ithaca, New York from August 25, 2008 through August 29, 2008.

BE IT FURTHER,

RESOLVED, that the cost for the attendance at the above-mentioned training conference is hereby authorized in an amount not exceed \$750 per officer.

BE IT FURTHER

RESOLVED, that reasonable, actual and necessary expenses involved with this training program will be reimbursed upon submission of proper documentation and substantiation of expenses, including receipts, to the Accounting Department of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

| | |
|-------------------------|-----------|
| COUNCIL MEMBER ABRAHAM | VOTED YES |
| COUNCIL MEMBER AMATURA | VOTED YES |
| COUNCIL MEMBER RUFFINO | VOTED YES |
| COUNCIL MEMBER STEMPIAK | VOTED YES |
| SUPERVISOR GIZA | VOTED YES |

August 4, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, the State Legislature by passage of Chapter 462 of the Laws of 2003 has provided by legislation a new sliding scale which will grant further relief to those owners of properties with qualifying disabilities, and

WHEREAS, after review and consideration, the Town Board of the Town of Lancaster deems it in the public interest to amend Article IV of Chapter 40, Taxation, by the repeal in its entirety of §40-17 entitled Exemption Schedule , and to enact in place thereof a Local Law of the Year 2008 enacting a new §40-17 of said Chapter 40 - Taxation, which reads as follows:

TAXATION
CHAPTER 40 - ARTICLE IV
TAXATION
§40-17 - EXEMPTION SCHEDULE
LOCAL LAW
OF THE YEAR 2008

A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF LANCASTER, BY DELETING IN ITS ENTIRETY §40-17 OF CHAPTER 40 - TAXATION, AND ENACTING IN PLACE THEREOF A NEW §40-17 OF CHAPTER 40 TAXATION OF THE CODE OF THE TOWN OF LANCASTER.

BE IT ENACTED by the Town Board of the Town of Lancaster, as follows:

SECTION 1. That §40-17 of Article IV of Chapter 40-taxation be and is hereby deleted.

SECTION 2. That a new §40-17 of Article IV, of Chapter 40-Taxation of the Code of the Town of Lancaster be and is hereby enacted as follows:

§40-17. Exemption Schedule.

Real property owned by one or more persons with disabilities, or real property owned by a husband, wife, or both, or by siblings, at least one of whom has a disability, and whose income, as hereafter defined, is limited by reason of such disability, shall be exempt from taxation by the Town of Lancaster as provided in the following schedule:

| <u>ANNUAL INCOME</u> | <u>PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION</u> |
|--|---|
| Not More than \$27,000. | 50 per centum |
| More than \$27,000. but Less than \$28,000. | 45 per centum |
| More than \$28,000. but Less than \$29,000. | 40 per centum |
| More than \$29,000. but Less than \$30,000. | 35 per centum |
| More than \$30,000. but Less than \$30,900. | 30 per centum |
| More than \$30,900. but Less than \$31,800. | 25 per centum |
| More than \$31,800. but Less than \$32,700. | 20 per centum |
| More than \$32,700. but Less than \$33,600. | 15 per centum |
| More than \$33,600. but Less than \$34,500. | 10 per centum |
| More than \$34,500. but Less than \$35,400. | 5 per centum |

SECTION 3. This Local Law shall become effective upon filing with the Office of the Secretary of State.

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That pursuant to the Municipal Home Rule Law of the State of New York, and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on a proposed Local Law of the Year 2008, which local law repeals in its entirety Section 40-17 of Article IV of Chapter 40-”Taxation” of the Code of the Town of Lancaster, and enacts in place thereof a new Section 40-17 of Article IV of Chapter 40-Taxation of the said Code, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:40 o’clock P.M., Local Time, on the 18th day of August, 2008, and that Notice of the Time and Place of such Hearing shall be published on August 7, 2008, in the Lancaster Bee, being a newspaper of general circulation in said Town, which Notice shall be in the form attached hereto and made a part hereof, and

2. That the Town Clerk is hereby directed to make copies of this proposed Local Law for the Year 2008, for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

| | |
|-------------------------|-----------|
| COUNCIL MEMBER ABRAHAM | VOTED YES |
| COUNCIL MEMBER AMATURA | VOTED YES |
| COUNCIL MEMBER RUFFINO | VOTED YES |
| COUNCIL MEMBER STEMPIAK | VOTED YES |
| SUPERVISOR GIZA | VOTED YES |

August 4, 2008

**LEGAL NOTICE
PUBLIC HEARING
PROPOSED LOCAL LAW
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted August 4, 2008 the said Town Board will hold a Public Hearing on the 18th day of August, 2008 at 8:40 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon a proposed Local Law of the Year 2008, which Local Law repeals in its entirety, Section 40-17 of Article IV of Chapter 40 of the Code of the Town of Lancaster, and enacts in place thereof a new Section 40-17 of Article IV of Chapter 40-Taxation, of the Code of the said Town, briefly described as follows:

A Local Law which repeals Section 40-17 of Article IV, Chapter 40 of the Code of the Town of Lancaster, and enacts in place thereof a new Chapter.

This Local Law sets forth the Exemption Schedule for disabled persons by amending the above section of the Town Code.

A complete copy of this proposed Local Law of the Year 2008, designated as Section 40-17, of Article IV of Chapter 40-Taxation of the Code of the Town of Lancaster, is available at the office of the Town Clerk for inspection and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN
Town Clerk**

August 4, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, §467 of the Real Property Tax Law of the State of New York permits the Town to grant a partial exemption from real property taxation for persons sixty-five (65) years of age or over, on a graduated scale based upon the income, and

WHEREAS, the State Legislature by passage of Chapter 512 of the Laws of 2004 has provided by legislation a new sliding scale which will grant further relief to those owners meeting the eligibility criteria, and

WHEREAS, the effect of the increase in income eligibility will not place any undue burden on the taxpaying public, but will materially improve the economic ability of our senior citizens to cope with the ravages of inflation while living on a fixed income, and

WHEREAS, the Town Board deems it in the public interest to adopt the new graduated scale;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 467 of the Real Property Tax Law of the State of New York, a Public Hearing on the enactment by resolution of a senior citizens tax exemption will be held on the 18th day of August 8:45 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, and that a Notice of the time and place of such hearing shall be published in the Lancaster Bee, the Official Newspaper, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

BE IT FURTHER

RESOLVED, that a complete copy of this proposed resolution is available in the office of the Town Clerk for inspection and distribution to any person at no cost during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

| | |
|-------------------------|-----------|
| COUNCIL MEMBER ABRAHAM | VOTED YES |
| COUNCIL MEMBER AMATURA | VOTED YES |
| COUNCIL MEMBER RUFFINO | VOTED YES |
| COUNCIL MEMBER STEMPIAK | VOTED YES |
| SUPERVISOR GIZA | VOTED YES |

August 4, 2008

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER**

NOTICE IS HEREBY GIVEN, that pursuant to Section 467 of the Real Property Tax Law and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 4th day of August, 2008 said Town Board will hold a Public Hearing on the 18th day of August, 2008, at 8:45 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, upon the resolution authorizing a partial exemption from real property taxation for persons sixty-five (65) years of age or over, on a graduated scale based upon the income, as follows:

SENIOR CITIZENS TAX EXEMPTION

| 1. | <u>ANNUAL INCOME</u> | <u>PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION</u> |
|-----------|--|--|
| | Not More than \$27,000 | 50 per centum |
| | More than \$27,000. but Less than \$28,000. | 45 per centum |
| | More than \$28,000. but Less than \$29,000. | 40 per centum |
| | More than \$29,000. but Less than \$30,000. | 35 per centum |
| | More than \$30,000. but Less than \$30,900. | 30 per centum |
| | More than \$30,900. but Less than \$31,800. | 25 per centum |
| | More than \$31,800. but Less than \$32,700. | 20 per centum |
| | More than \$32,700. but Less than \$33,600. | 15 per centum |
| | More than \$33,600. but Less than \$34,500. | 10 per centum |
| | More than \$34,500. but Less than \$35,400. | 5 per centum |

- 2.** The partial exemption being provided for herein shall be subject to the provisions of Section 467 of the Real Property Tax Law, and any other law or statute applicable thereto.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN
Town Clerk**

August 4, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER AMATURA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, Salvatore Balisteri, 367 Linwood Avenue, Buffalo, New York has applied to the Town Board of the Town of Lancaster for permits for Public Improvements upon real property in the Town of Lancaster within Roseland Subdivision, Phase II, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit applications that he has reviewed the improvement plans and permit applications for the installation of the public improvements requested, and that they conform to the Ordinances of the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Application Nos. 654, 655 and 656 of Salvatore Balisteri, 367 Linwood Avenue, Buffalo, New York, which are permits for Public Improvements for the installation of:

| | |
|--------------------------------|--|
| P.I.P. No.654 (Storm Sewer) | Roseland Subdivision, Phase II - Install various sizes of storm pipe, precast catch basins, storm manholes as per drawings. - 717± 6" HDPE, 305± 8" HDPE, 855± 12" HDPE, 322± 15" HDPE, 387± 18" HDPE, 257± 24" HDPE, 22 receivers, 12 manholes. |
| P.I.P. No. 655 (Water Line) | Roseland Subdivision, Phase II - Install 8" water main, hydrants, valves, and related services to lots as per drawings. - 2130± 8" watermain, 4 hydrant assemblies, 7 gate valves. |
| P.I.P. No. 656 (Pavement) | Roseland Subdivision, Phase II - Excavation of dirt. Place stone, curbing, underdrain and pavement. - 6720± sq. yards asphalt pavement, 4320± LF. curb. |

be and are hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

| | |
|--------------------------|-----------|
| COUNCIL MEMBER ABRAHAM | VOTED YES |
| COUNCIL MEMBER AMATURA | VOTED YES |
| COUNCIL MEMBER RUFFINO | VOTED YES |
| COUNCIL MEMBER STEMPNIAK | VOTED YES |
| SUPERVISOR GIZA | VOTED YES |

August 4, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPIAK, TO WIT:

WHEREAS, effective January 1, 2008 the Town of Lancaster changed its
Workers’ Compensation insurance carrier to the New York State Insurance Fund, and

WHEREAS, form C-105.31 entitled “NOTICE OF ELECTION OF A
MUNICIPAL CORPORATION OR OTHER POLITICAL SUBDIVISION OF THE STATE
TO BRING EXECUTIVE OFFICERS UNDER THE COVERAGE OF THE NEW YORK
WORKERS’ COMPENSATION LAW’ is required to be filed when the Workers’
Compensation insurance carrier is changed,

NOW, THEREFORE, BE IT

RESOLVED that under the provisions of Section 54, subdivision 6 of the New
York Workers’ Compensation Law, the Town Board of the Town of Lancaster hereby elects to
bring its executive officers, including all elected and/or appointed officials under coverage of
the New York Workers’ Compensation Law with respect to all policies issued to the Town of
Lancaster by the New York State Insurance Fund, and

BE IT FURTHER

RESOLVED that such election shall be retroactive to January 1, 2008, and

BE IT FURTHER

RESOLVED that the Supervisor of the Town of Lancaster is hereby authorized
and directed to complete and file Form C-105.31 NOTICE OF ELECTION OF A MUNICIPAL
CORPORATION OR OTHER POLITICAL SUBDIVISION OF THE STATE TO BRING
EXECUTIVE OFFICERS UNDER THE COVERAGE OF THE NEW YORK WORKERS’
COMPENSATION LAW with the New York State Insurance Fund electing to include all
elected and/or appointed officials of the Town of Lancaster, New York.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call which resulted as follows:

| | |
|-------------------------|-----------|
| COUNCIL MEMBER ABRAHAM | VOTED YES |
| COUNCIL MEMBER AMATURA | VOTED YES |
| COUNCIL MEMBER RUFFINO | VOTED YES |
| COUNCIL MEMBER STEMPIAK | VOTED YES |
| SUPERVISOR GIZA | VOTED YES |

August 4, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER RUFFINO, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid from
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director
of Administration and Finance, to wit:

Claim No. 3528 to Claim No. 3738 Inclusive

Total amount hereby authorized to be paid: \$716,826.22

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

| | |
|-------------------------|-----------|
| COUNCIL MEMBER ABRAHAM | VOTED YES |
| COUNCIL MEMBER AMATURA | VOTED YES |
| COUNCIL MEMBER RUFFINO | VOTED YES |
| COUNCIL MEMBER STEMPIAK | VOTED YES |
| SUPERVISOR GIZA | VOTED YES |

August 4, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

NEW PERMITS:

| | | | | |
|-------|---------------------|----------------------|-------------------|-------|
| 15963 | Woodford Bros | 18 Church St | Repair Deck | (V/L) |
| 15964 | Powell, Nathan | 5636 William St | Er. Res. Add. | |
| 15965 | KCM Builders | 15965 Harris Hill Rd | Er. Garage | |
| 15966 | S & A Debris | 272 Hall Rd | Er. Garage | |
| 15967 | Frayne Bros | 4556 Walden Ave | Re-Roof House | |
| 15968 | Beauty Pools Inc | 6167 Genesee St | Er. Pool-In Grnd | |
| 15969 | Beauty Pools Inc | 6167 Genesee St | Er. Fence | |
| 15970 | Black Rock Roofing | 59 Steinfeldt Rd | Re-Roof House | |
| 15971 | Neth & Son Inc | 81 Stony Rd | Re-Roof House | |
| 15972 | MJU Enterprises | 55 Quail Run Ln | Er. Fence | |
| 15973 | McFarland, Scott | 39 Ashwood Ct | Er. Res. Alt. | |
| 15974 | Roney, John | 3690 Walden Ave | Er. Garage | |
| 15975 | Besroi Construction | 9 Pleasant Ave | Re-Roof House | (V/L) |
| 15976 | Banach, John | 8 Stone Hedge Dr | Er. Shed | |
| 15977 | Rich Pools | 3626 Bowen Rd | Er. Pool-Abv Grnd | |
| 15978 | F & D Construction | 11 Pershing Ave | Re-Roof House | (V/L) |
| 15979 | SW Alliance Homes | 567 Erie St | Er. Dwlg.-Sin. | |
| 15980 | Marrano/Marc Equity | 4 Red Clover Ln | Er. Dwlg.-Sin. | |
| 15981 | Hardt, Timothy | 34 Petersbrook Cir | Er. Fence | |
| 15982 | Oneida Fence | 283 Miller Ave | Er. Fence | |
| 15983 | Guardian Fence | 128 Belmont Ave | Er. Fence | |
| 15984 | Maple Guy Const | 41 Rehm Rd | Re-Roof House | |
| 15985 | Kohlbrener, Norman | 1103 Penora St | Er. Shed | |
| 15986 | Marrano/Marc Equity | 5 Pelham Rd | Er. Dwlg.-Sin. | |
| 15987 | Duro-Shed Inc | 2009 Como Park Blvd | Er. Shed | (V/L) |
| 15988 | Picket Fence Inc | 33 Lake Ave | Er. Fence | (V/L) |
| 15989 | Glamour Pools | 6 Overlook Ct | Er. Pool-In Grnd | |
| 15990 | Avalon Pools | 303 Enchanted Forest | Er. Pool-Abv Grnd | |
| 15991 | Al-Naji Moh'd | 23 Sheldon Ave | Re-Roof House | (V/L) |
| 15992 | Duro-Shed Inc | 12 St Anthony St | Er. Shed | |
| 15993 | Majestic Pools | 339 Westwood Rd | Er. Pool-In Grnd | |
| 15994 | Majestic Pools | 339 Westwood Rd | Er. Fence | |
| 15995 | LaPiana, Paul | 296 Enchanted Forest | Er. Fence | |
| 15996 | Brigman, Herbert | 59 Church St | Re-Roof House | (V/L) |
| 15997 | Lane, John | 252 Central Ave | Er. Fence | (V/L) |
| 15998 | Duro-Shed Inc | 60 Michael's Walk | Er. Shed | |
| 15999 | Santoro Signs Inc | Transit Rd | Er. Sign-Wall | |
| 16000 | Cudeck, Paul | 100 Court St | Re-Roof House | (V/L) |
| 16001 | Maple Guy Const | 206 Warner Rd | Er. Res. Add. | |
| 16002 | Cress, Christian | 274 Enchanted Forest | Er. Deck | |
| 16003 | United Home Imprv. | 1840 Como Park Blvd | Re-Roof House | (V/L) |
| 16004 | Wood, Christina | 6 Anna Dr | Er. Fence | |
| 16006 | Tredo Engineering | 74 Ward Rd | Er. Comm. Add. | |
| 16007 | Seibold Const. Inc | 104 Albert Dr | Re-Roof House | (V/L) |
| 16008 | Erny, David | 6323 Broadway | Er. Fence | |

| | | | | |
|-------|--------------------|---------------------|----------------|-------|
| 16009 | Housecrafters LLC | 4957 William St | Re-Roof House | |
| 16012 | Miklas, Todd | 23 Sawgrass Ln | Er. Shed | |
| 16013 | Iroquois Fence Co | 106 Pheasant Run Ln | Er. Fence | |
| 16014 | D. Allen & Sons | 14 Pleasant Ave | Re-Roof House | (V/L) |
| 16015 | King, Carol | 24 Wren Ave | Er. Deck | (V/L) |
| 16016 | Building Solutions | 5440 Broadway | Re-Roof House | (V/L) |
| 16017 | Statewide Const | 4076 Walden Ave | Re-Roof House | |
| 16018 | Guardian Fence | 17 Old Orchard Comm | Er. Fence | |
| 16019 | Sun Enterprises | 679 Ransom Rd | Er. Shed | |
| 16020 | NDC Reality Inc | 10 Sawgrass Ln | Er. Dwlg.-Sin. | |
| 16021 | Neth and Son | 41 Spruceland Ter | Re-Roof House | |
| 16022 | Blank, Gary | 17 Shadyside Ln | Er. Shed | |
| 16023 | Scibor, Michael | 6 Ann Marie Dr | Er. Shed | |
| 16024 | Premier Fence Inc | 52 First Ave | Er. Fence | (V/L) |

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

| | |
|--------------------------|-----------|
| COUNCIL MEMBER ABRAHAM | VOTED YES |
| COUNCIL MEMBER AMATURA | VOTED YES |
| COUNCIL MEMBER RUFFINO | VOTED YES |
| COUNCIL MEMBER STEMPNIAK | VOTED YES |
| SUPERVISOR GIZA | VOTED YES |

August 4, 2008

COMMUNICATIONS & REPORTS

353. Niagara Region Planning Services Department to Town Clerk -
Letter seeking endorsement for nomination of International Joint Commission for the Stockholm Water Prize. DISPOSITION = Received & Filed
354. Roger J. Amadori to Lancaster Historical Society -
Report of financial audit of Lancaster Historical Society for 2007. DISPOSITION = Received & Filed
355. Northeastern Subcontractors Association to Supervisor -
Letter regarding changes in the NYS separate prime contract statutes known as the Wicks Law. DISPOSITION = Town Attorney
356. National Weather Service Forecast Office to Supervisor -
Letter of appreciation for assistance of the Office of Emergency Management Department during the open house of June 9, 2008. DISPOSITION = Received & Filed
357. Erie County Health Commissioner to Town Board -
Press release calling for increased mosquito awareness. DISPOSITION = Received & Filed
358. Village of Angola to Town Board -
Transmittal of letter requesting support of proposed legislation for authorization to create a land bank relating to vacant and abandoned property. DISPOSITION = Received & Filed
359. Lancaster Central School District to Supervisor -
Notification of renovation and reconstruction projects occurring at selected school buildings. DISPOSITION = Received & Filed
360. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Highway Superintendent, Building Inspector -
Draft copy of minutes of meeting held July 16, 2008. DISPOSITION = Received & Filed
361. Planning Board to Town Board -
Notice of adjournment to meeting of August 20, 2008 regarding preliminary plat plan for Deer Run Estates; comment noted. DISPOSITION = Received & Filed
362. Planning Board to Town Board -
Notice of tabling to meeting of August 20, 2008 regarding Retail Development Project, 4817 Transit Road; conditions noted. DISPOSITION = Received & Filed
363. Planning Board to Town Board -
Recommend approval regarding site plan for West Herr Toyota Car Dealership, e.s. of Transit Road, north of Genesee Street; conditions noted. DISPOSITION = Received & Filed
364. John Mielko to Supervisor -
Letter asking to purchase paper street of Belmont Avenue. DISPOSITION = Town Attorney & Town Board
365. Greater Buffalo-Niagara Regional Transportation Council to Town Board -
Notice of meeting to be held Wednesday, August 6, 2008, 9:30 AM in Buffalo. DISPOSITION = Received & Filed
366. Village of Lancaster to Town Board -
Minutes of meeting held July 14, 2008. DISPOSITION = Received & Filed
367. Chief of Police to Town Board -
Request resolution to authorize attendance of School Resource Officers Keith Kerl and James Formato to Training Conference of State of New York Juvenile Officers Association. DISPOSITION = Resolution 8/4/2008
368. NYS DEC to Town Clerk -
Copy of e-mail giving notice of 4th Annual Water & Wastewater Infrastructure Co-Funding Workshop to be held October 7, 2008 in Buffalo. DISPOSITION = Town Engineer
369. Erie County Department of Public Works to Town Attorney -
Notice of no comments regarding site plan for West Herr Toyota Dealership, east side of Transit Road, north of Genesee Street. DISPOSITION = Planning Committee
370. Joe Basil Chevrolet Inc to Town Clerk -
Notice of awarding by Erie County of vehicle glass replacement repair service contract. DISPOSITION = Received & Filed

371. Town Attorney to Town Board, Planning Board, Building Inspector, Town Engineer, Town Clerk -
Notice of SEQR meeting to be held Monday, August 4, 2008, 6:30 PM regarding the Transit Road Access Management Ordinance. DISPOSITION = Received & Filed
372. Town Clerk to Various News Media -
Notice of SEQR meeting to be held Monday, August 4, 2008, 6:30 PM regarding the Transit Road Access Management Ordinance. DISPOSITION = Received & Filed
373. NYS Board of Real Property Services to Supervisor -
Notice of establishment of final State equalization rate for the Town. DISPOSITION = Received & Filed
374. Diane L. Augustine to Town Board -
Notice of intention to retire effective August 31, 2008. DISPOSITION = Received & Filed
375. Town Clerk to Town Board -
Transmittal of final report of 2008 County/Town tax collection. DISPOSITION = Received & Filed
376. Donald G. Symer, P.E. to Town Board -
Comments and concerns regarding proposal to divide parcel at 458 Central Avenue. DISPOSITION = Town Attorney
377. Georgine M. Bolender to Town Board -
Letter of appreciation for hiring her as records clerk at the Police Department. DISPOSITION = Received & Filed

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER AMATURA, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, the meeting was adjourned at 8:51 P.M.

Signed _____
Johanna M. Coleman, Town Clerk